

Fleming, et al. v. COP, et al.

No. CV04-2338 RSM

**DECLARATION OF MARCUS B. NASH
IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

EXHIBIT H

FLEMING v. THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
December 13, 2005 RICHARD PETTIT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)
Plaintiffs,) Case No. C04-2338 RSM
vs.)
THE CORPORATION OF THE PRESIDENT) RICHARD PETTIT
OF THE CHURCH OF JESUS CHRIST OF)
LATTER-DAY SAINTS, a Utah)
corporation sole, a/d/a "MORMON")
CHURCH"; LDS SOCIAL SERVICES,)
a/d/a LDS FAMILY SERVICES, a)
Utah corporation,)
Defendants.)

)

December 13, 2005
9:24 a.m.

Kirton & McConkie
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84145-0120

EXHIBIT H

Sharon Morgan, CSR, RPR, CRR
Notary Public in and for the State of Utah

<p style="text-align: right;">Page 30</p> <p>1 Q. What did the boy tell you about Jack LaHolt? 2 A. He had been touched inappropriately. 3 Q. Did he say where it had taken place? 4 A. No. Oh, where -- where in the area? 5 Q. What location had it occurred at? 6 A. On a scout outing. 7 Q. And what was your understanding of where that 8 scout outing was? 9 A. Somewhere in the Snoqualmie Pass area of 10 Washington. 11 Q. And did the boy tell you specifically what 12 Jack LaHolt had done? 13 A. No. 14 Q. What did he say, to the best of your 15 recollection? 16 A. My recollection is he was touched 17 inappropriately. 18 Q. Do you remember where he was touched 19 inappropriately? 20 A. No. 21 Q. Did you ask him any further details about how 22 Jack LaHolt had touched him? 23 A. No. 24 Q. At the time that you received this 25 information, were you serving as either a first or</p>	<p style="text-align: right;">Page 32</p> <p>1 A. He was shocked. 2 MR. FREY: At this point -- did you expect 3 your conversation -- let me interpose an objection and 4 ask a question. Do you expect your conversation with 5 Bishop Borland to be confidential? 6 THE WITNESS: Yes. 7 MR. FREY: Are you willing to waive that 8 confidentiality and testify about it today, about what 9 you spoke to about with Bishop Borland? 10 THE WITNESS: Yes. 11 MR. FREY: Okay. Go ahead, Counsel. 12 Q. (By Mr. Kosnoff) When you went to Bishop 13 Borland, you were not going to him for purposes of 14 confessing your sin, were you? 15 A. No. 16 Q. And you would hope that he would -- that -- 17 strike that. What was your reason for going to Bishop 18 Borland? 19 A. To inform him of the situation. 20 Q. And was it your hope or intention that Bishop 21 Borland would use this information and take some kind 22 of concrete action with respect to Jack LaHolt? 23 A. Yes. 24 Q. And what was your -- what did you hope that 25 he would do?</p>
<p style="text-align: right;">Page 31</p> <p>1 second counselor? 2 A. Second. I'm sorry, now, I was not -- in 1971 3 I was not a counselor. 4 Q. Okay. What were the circumstances under 5 which you received this information from this boy? 6 A. It was voluntary. 7 Q. Where did he tell you this? 8 A. In my home. 9 Q. Was the boy a friend of your son? 10 A. No. 11 Q. Was it one of your sons? 12 A. Yes. 13 Q. Was it Scott? 14 A. Yes. 15 Q. When your son Scott told you this 16 information, did you believe it? 17 A. Yes. 18 Q. Did you do anything with this information? 19 A. Yes. 20 Q. What was that? 21 A. I went to Bishop Borland. 22 Q. And did you tell Bishop Borland what your son 23 Scott had told you? 24 A. Yes. 25 Q. And what did Bishop Borland say?</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Correct it. 2 Q. What did Bishop Borland say to you? 3 A. I don't remember. 4 Q. Did he tell you that he would do something 5 about Jack? 6 A. I don't remember. 7 Q. Did he give you any kind of assurances that 8 the matter would be handled? 9 A. Yes. 10 Q. And did you trust that the matter would be 11 handled? 12 A. Yes. 13 Q. Was it handled? 14 A. Yes. 15 Q. To your knowledge, what happened with respect 16 to Jack LaHolt? 17 A. Within one week he was released. 18 Q. How did you become aware that he had been 19 released? 20 A. At the church service the following week. 21 Q. Did somebody communicate that to you? 22 A. Yes. 23 Q. Bishop Borland? 24 A. Yes. 25 Q. And he told you that he released Jack?</p>

